IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 3328 of 2005

Between:
Autobahn Construction company Pvt. Ltd., represented by its Managing Director N. Kameswara Rao, s/o. N. Mallaiah, Age:41 years, R/o. F-42, 1st Floor, Madhuranagar, Hyderabad.

….. PETITIONER

AND
The Motor Vehicle Inspector, Unit Officer, Kavali, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondent in seizing the vehicle of the petitioner i.e., Single-Drum Vibratory Soil Compactors BW 212-2(2A) on 20-09-004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to release the said vehicle in favour of the petitioner.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

ounsel for the Respondent No.: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

For violation of certain provisions of the Motor Vehicles Act, the vehicle, namely, Single-Drum Vibratory Soil Compactors BW 212-2 (2A) of the petitioner was seized by the respondent.

There is no point in keeping the vehicle idle causing damage to the vehicle. Whether the petitioner violated the provisions of the Motor Vehicles Act or not is yet to be decided by the competent authority in accordance with law.

Hence, the vehicle of the petitioner shall be released subject to the following conditions;

(i) the petitioner shall not alienate or transfer the vehicle and shall not remove the spare parts of the vehicle.

(ii) the petitioner shall produce the vehicle before the competent authority as and when required and he shall pay the tax, if any, due as on today.

(iii) the petitioner shall not ply the vehicle without registering the vehicle after release and he shall produce all the original documents at the time of release of the vehicle.

Accordingly, the Writ Petition is disposed of. No costs.

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23-02-2005

To

1. The Motor Vehicle Inspector, Unit Office, Kavali, Nellore District.
2. Two CCs to the Government Pleader for Transport, High Court of A.P., Byderabad,. (OUT).
3. Two C. D. copies.

Note:
CC by two days
(Bo)
sj